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Atty Docket No. NUFO 028

Feb. 26, 2002
Date

TERI MUIR
by

Teri Muir
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Chapman et al.

Serial No.: 09/848,914

Filing Date: May 4, 2001

Title: METHOD AND APPARATUS FOR TUNING A LASER

Group Art Unit: Unassigned

Examiner: Unassigned

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DECLARATION BY ROBERT C. HALL

The Commissioner of
Patent and Trademarks
Washington, D.C. 20231

Sir:

I, Robert C. Hall, do hereby declare as follows:

I am the attorney of record for the Applicant of the above-identified patent application. My registration number for the U.S. Patent and Trademark Office is 39,209, and my official place of business is located at 200 Middlefield Road, Suite 200, Menlo Park CA 94025.

Paul Zorabedian is a co-inventor for the above-identified patent application and, at the time of invention, was an employee of Applicant, and was and is under contractual obligation to assign all rights in the invention of the above-identified patent application to the Applicant. A copy of Mr. Zorabedian's employment agreement with the Applicant has previously been made of record.

On December 7, 2001, I telephoned Mr. Zorabedian at his place of work and identified myself as Applicant's attorney. During our conversation, I reminded Mr. Zorabedian that he was obligated, under his employment agreement with the Applicant, to review the above-identified patent application and to sign a Declaration as an inventor. I then offered to have a copy of the patent application personally delivered to Mr. Zorabedian for his review. Mr. Zorabedian stated that he would not meet with me or with

Serial No.: 09/848,914
Docket No.: NUFO-028

Filed: May 4, 2001

"EXHIBIT A"

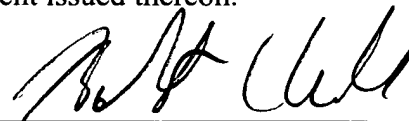
any other representative of Applicant, and that he would not review the patent application or sign an inventor Declaration. I inquired if Mr. Zorabedian would accept a copy of the patent application and inventor Declaration via mail, and asked if Mr. Zorabedian's correct mailing address was 2441 Benjamin Drive, Mountain View CA 94043. Mr. Zorabedian confirmed that this was his mailing address, but that he would not accept a mailed copy of the patent application. Mr. Zorabedian again refused to review the patent application and sign an inventor Declaration, whether presented to him personally or via mail. I advised Mr. Zorabedian that I would send him a copy of the patent application to him at his mailing address anyway. Mr. Zorabedian again asserted that he would not accept a copy of the patent application or review the application or sign an inventor Declaration.

On December 10, 2001 I sent to Mr. Zorabedian, via certified mail with return receipt requested, a copy of the complete patent application, together with an inventor Declaration and a stamped, addressed envelope. In the cover letter I requested that Mr. Zorabedian review the enclosed patent application, sign the enclosed Declaration, and return the signed Declaration to me in the enclosed stamped and addressed envelope. A copy of the cover letter is enclosed with the accompanying Request for Reconsideration as Exhibit B.

On or about January 15, 2002, the patent application was returned to my official place of business by the U.S. Postal Service. The envelope was unopened, and was stamped and identified as "Unclaimed" by the Postal Service. A copy of the envelope front cover, with a Certified Mail sticker and Return receipt thereon, is enclosed with the accompanying Request for Reconsideration as Exhibit C.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 02 / 26 / 02

By: 
Robert C. Hall
Registration No. 39,209

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